From:	Kao, Jessica
Sent:	Monday, November 02, 2015 10:20 AM
To:	Maier, Brent
Cc:	Brush, Jason
Subject:	RE: Cargill special case

Brent,

The Army Corps of Engineers is the statutory permitting authority for projects involving the filling of "waters of the United States" under section 404 of the Clean Water Act. It is our understanding that, to date, Cargill has not submitted any section 404 permit application to the Corps in relation to its Redwood Salt Works site.

EPA's special case is for the limited purpose of determining whether and to what extent the federal government has geographic jurisdiction under the Clean Water Act over that site (i.e., whether and to what extent the Salt Works site contains "waters of the United States.") The federal government's authority to make such a jurisdictional determination is not dependent on there being a permit application, although it often precedes the application. EPA is progressing with the technical work for the special case and has met periodically with Cargill representatives on their concerns and perspectives throughout the process.

Please let me know if you need additional information.

Jessica Kao
Chief of Staff, Office of the Regional Administrator
USEPA, Pacific Southwest Region
75 Hawthorne Street
San Francisco, CA 94105
415-972-3922

From: Maier, Brent
Sent: Monday, November 02, 2015 8:12 AM
To: Kao, Jessica
Cc: Brush, Jason
Subject: FW: Cargill special case
Importance: High

Please see attached message from Ken Rooney in Sen. Feinstein's DC office and his request for an update on Cargill and where this permit stands. Please let me know how you would like for me to respond to Ken Rooney.

From: Rooney, Kenneth (Feinstein) [mailto:Kenneth_Rooney@feinstein.senate.gov]
Sent: Saturday, October 31, 2015 7:56 PM
To: Maier, Brent <Maier.Brent@epa.gov>; Davis, CatherineM <Davis.CatherineM@epa.gov>
Subject: Cargill special case

Hey Brent,

My boss is meeting with Cargill on Monday. Can you all provide an update on where this permit stands?

Thanks,

Ken